

Man's rights still alive after death: Court

On Aug. 21, 1973 Harry Rhodes, 57, of Braidwood was working at Uniroyal, Inc. when acid solution reportedly was discharged into his face.

His injuries, according to a \$5 million lawsuit filed June 7 in the Will County Circuit Clerk's office, included severe burns and other complications. Burns about the face required his eyelids being sewn shut.

Rhodes died Aug. 17, almost a year after the accident.

But in the eyes of the court his rights still live.

Judge Thomas Vinson last week overruled a Uniroyal defense motion to dismiss the complaint charging the company with negligence and seeking damages for the injuries. The judge also allowed a motion filed for Rhodes before his death for his attorney to accompany Rhodes to inspect the premises.

The purpose of the inspection, according to Rhodes' counsel Arthur

Lennon, was to determine if there was a possible cause of action for personal injury compensation against a third person or corporation, such as a manufacturer.

Since Rhodes is dead, Lennon will ask the court to appoint for the inspection Rhodes' widow, Dorothy, as administrator for her husband's estate.

The inspection won't be until terms and conditions are set forth by court order.

In his decision, Vinson said Uniroyal

denied Rhodes or his representative the right to view the premises, take measurements, notes and photographs and whatever else would be needed to properly advise the plaintiff and attorneys whether there is cause of action against anyone. Uniroyal contended it had no duty to allow the inspection.

Vinson said there is no authority to guide or bind the court in the matter and thus his court "must determine the law and set it forth in this order." It can be appealed to a higher court.

Vinson said it appeared that the proper position of the defendant (Uniroyal) would be to cooperate with the plaintiff since the relationship of employer-employee should be based on cooperation for the mutual benefit of both. It is apparent in this instance that the rights of the plaintiff to seek proper recovery from injuries suffered while employed has been lost sight of. Or that defendant is thinking far enough ahead as to possible third-party actions. Or, possibly, that defendant is more con-

cerned with protection of some third party than to properly cooperate with its employee.

"To deny the plaintiff's right would mean that he must either abandon possible right to recovery, or speculate that he has such right and file suit against someone, whether he feels that he can recover or not. This would be a useless expenditure of time and money, including the time of the court," concluded Vinson.